

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 14, 2008

DIVISION ONE

B198339 People (Not for Publication)
v.
Ware

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
Neidorf, J. (Assigned)

DIVISION TWO

B205076 Stewart (Not for Publication)
v.
10321 National Boulevard Associates

The appeal is dismissed. Respondent is entitled to costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
Chavez, J.

DIVISION THREE

B201652 Los Angeles County, D.C.S. (Not for Publication)

v.

Manuel R.

The orders of the juvenile court are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B206462 Justin L., et al. (Certified for Partial Publication)

v.

Superior Court, Los Angeles County

The petitions for extraordinary writ review are granted solely for the purpose of ensuring compliance with ICWA; in all other respects, the petitions are denied. Let a peremptory writ of mandate issued directing respondent juvenile court to (1) vacate its order setting the Welfare and Institutions Code section 366.26 hearing; (2) order the Department to provide ICWA notices to the designated agents for the Blackfoot, Chocktaw, and Cherokee tribes at the addresses listed in the most recent federal registry. if, following such notice, any of these tribes determines that a child is an Indian child, the juvenile court shall proceed in conformity with ICWA. If, however, no tribe determines that a minor is an Indian child, or if no response is received within the proscribed time indicating a child is an Indian child, the juvenile court shall reset the hearing under section 366.26. The stay issued April 15, 2008, is hereby lifted. The matter is immediately final as to this court. (Cal.Rules of Court, rule 8.264(b)(3).).

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE(continued)

B200060 Rodgers (Not for Publication)

V.

Long Beach Civil Service Commission, et al.

The judgment is affirmed. Rodgers is entitled to costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B196976 People (Not for Publication)

V.

Salvador Solis, et al

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B200914 People (Not for Publication)

V.

Eric Gilbert Bulter

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B199140 People (Not for Publication)

V.

Thomas Braley

The judgment is modified by vacating the conviction for petty theft with a prior and, as modified, the judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B199718 People (Not for Publication)

V.

Dion Isaac Herring

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B195285 Graves, et al. (Not for Publication)

V.

Brum, et al.

The judgment is affirmed. The Brums are to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

August 14, 2008 (Continued)

DIVISION THREE (continued)

B205053 People (Not for Publication)
 v.
 D.W.

The order continuing wardship is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J. and S. Veverka, Deputy Clerk.

Each of the following:

B207679 Anna S. v. SCLA (DCFS)
B203495 DCFS v. Anna S.
B197645 People v. Florez
B199697 People v. Garcia
B198406 People v. Fowlkes
B202545 UPP Entertainment Marketing, Inc. v. Holcomb

Argument waived, cause submitted.

B208007 Matthews
 v.
 Superior Court, Los Angeles County (Matthews, r.p.i.)

Merits:

Argued by Thomas Paine Dunlap for petitioner and by Wallace S. Fingerett for real party in interest. Cause submitted.

DIVISION FOUR (continued)

B195217 Bojeaux
 v.
 Samuels, et al.

Merits:

Argued by Darian Bojeaux appellant in propria persona and by Michael S. Overing for respondents. Cause submitted.

B195327 Rembert
 v.
 Cedars-Sinai Medical Center

Merits:

Argued by Alfonso Rembert appellant in propria persona and by Myra A. Firth for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Manella, J., Suzukawa, J., Klein, J. (Assigned) and S. Veverka, Deputy Clerk.

Each of the following:

B200640 People v. Serabia
B203662 People v. Antonio B.
B203947 DCFS v. Eduardo H., et al.
B203467 DCFS v. Heather F.
B201422 Sambile v. Aguila

Argument waived, cause submitted.

DIVISION FOUR (continued)

B195034 McMillian, et al.
 v.
 Department of Health Care Services

Merits:

Argued by Peter B. O'Brien for appellants and by Ernest Martinez, Deputy Attorney General for respondent. Cause submitted.

Willhite J., assumes the bench.

B195263 People
 v.
 Floyd

Merits:

Argued by Charles R. Khoury, Jr. for appellant and by Catherine Okawa Kohm, Deputy Attorney General for respondent. Cause submitted.

B196197 People
 v.
 Hernandez et al.

Merits:

Argued by Matthew Alger for appellant Hernandez, by Murray A. Rosenberg for appellant Lopez and by Michael A. Katz, Deputy Attorney General for respondent. Cause submitted.

Manella J. left the bench.

DIVISION FOUR (continued)

B197539 Lee
 v.
 Montomery et al.

Merits:

Argued by Steven C. Glickman for appellant and by Robyn C. Crowther for respondents. Parties stipulated that Manella, J. may participate in oral argument by listening to the audio recording of oral argument. Cause submitted.

B201867 Sexson
 v.
 University of La Verne, et al.

Merits:

Argued by Stephen C. Ball for appellant and by Richard S. Conn for respondents. Parties stipulated that Manella, J. may participate in oral argument by listening to the audio recording of oral argument. Cause submitted.

B202850 EAD Santa Nella
 v.
 City of Los Angeles, et al.

Merits:

Argued by Roger Jon Diamond for appellant and by Steven N. Blau for respondents. Parties stipulated that Manella, J. may participate in oral argument by listening to the audio recording of oral argument. Cause submitted.

Court adjourned.

August 14, 2008 (Continued)

DIVISION SIX

Court convened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Senior Deputy Clerk.

B200305 People v. Jimenez

Argument continued to September, 2008.

Each of the following:

B192800	People v. Thomas
B194337	People v. Ortiz
B195384	People v. Wood
B198516	People v. Cienfuegos
B199211	People v. Palacios
B200461	People v. Houston
B201525	People v. Galvan
B201817	People v. Ramirez
B202751	People v. Ramos
B202900	People v. Silva
B203440	People v. Pimentel
B203549	People v. Michael S.
B204162	People v. Ragland

Argument waived, cause submitted.

B201816 People
 v.
 Sims

Merits:

Argued by Linda Rush for appellant and by Eric J. Kohm, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. left the bench.

DIVISION SIX (continued)

B202380 People
 v.
 Cervantes

Merits:

Argued by Miriam Ruth Archea for appellant and by Robert C. Schneider, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. returned to the bench.

B203596 People
 v.
 Ibarra

Merits:

Argued by Leonard J. Klaif for appellant and argument previously waived by respondent. Cause submitted.

B195248 People
 v.
 Lopez

Merits:

Argued by Edward J. Haggerty for appellant and by Timothy M. Weiner, Deputy Attorney General, for respondent. Cause submitted.

B195795 People
 v.
 Davis

Merits:

Argued by David M. Lehr for appellant and argument previously waived by respondent. Cause submitted.

DIVISION SIX (continued)

Yegan, J. left the bench.

B195452 People
 v.
 Briones

Merits:

Argued by Richard Eric Holly for appellant and by David F. Glassman,
Deputy Attorney General, for respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN

B203670 In re Cole R., a Minor
 Los Angeles County, D.C.F.S.
 v.
 William R. and Tashna R.

Filed order denying Tashna R. and William R.'s petition for rehearing.

B202256 In re Dasia Elease N.
 Los Angeles County, D.C F.S.
 v.
 Sharon S.

Filed order denying petition for rehearing.

August 14, 2008 (Continued)

DIVISION EIGHT

B203726 Alch et al., (Certified for Publication)
v.
Superior Court, Los Angeles County
(Time Warner Entertainment Company et al., r.p.i.)

The writ petition is granted. Let a peremptory writ of mandate issue directing the trial court to vacate its orders of September 19, 2007, and November 16, 2007, denying the writers' motion to overrule objections and denying their motion for reconsideration, and to enter a new and different order granting the writers access to the requested information to the extent consistent with the views expressed in this opinion. Costs are awarded to the petitioners.

Cooper, P.J.

I concur: Chavez, J. (Assigned)
I dissent: Bigelow, J. (Opinion)